IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.765 OF 2004
IN
WRIT PETITION NO.1824 OF 2004

Lovely Hotels Pvt.Ltd. & Anr. .. Appellants.
V/s.
The Municipal Corporation of
Greater Mumbai & Others .. Respondents.

Mr.Harvinder Toor with Ms.Krishna Tanna and Mr.S.B. Pawar i/b. S.K. Legal for the appellants.

Mr.Vinod Mahadik for the respondents.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 15TH DECEMBER, 2004.

P.C. :

Heard Mr.Harvinder Toor, the learned counsel for the appellants.

2. For want of payment of property taxes, the respondents issued warrant of attachment dated September 6, 2003 and auction notice dated June 18, 2004 for holding auction of the appellants property.

3. The warrant of attachment dated September 6, 2003 and auction notice dated June 18, 2004 have been challenged by the appellant herein by filing writ petition being Writ Petition No.1824 of 2004.

The learned single Judge has issued rule in the said writ petition and granted interim relief in terms of prayer clause (c)(i) on petitioners depositing in this court the amount claimed in the order of attachment within eight weeks. Aggrieved by the conditional order of stay, the present appeal has been filed.

4. Having considered the matter, we are satisfied that no interference is called for in the discretionary order of stay passed by the learned single Judge.

5. The appeal is dismissed in limine.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)